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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/656,284 | 09/08/2003 | Haruo Kawasaki | Q77157 | 8673 |
| 23373 | 7590 | 06/05/2006 | EXAMINER | |
| SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | BROWN, VERNAL U | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/656,284 | | KAWASAKI, HARUO | |
| | Examiner | | Art Unit | |
| | Vernal U. Brown | | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on May 05, 2006

Response to Amendment

The examiner acknowledges the amendment of claims 3, 7, and the cancellation of claims 1-2 and 5-6.

Response to Arguments

Applicant's arguments with respect to claims 3 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis US Patent 6070240 in view of Hikita et al. US Patent 6747546.

Regarding claim 3, Xydis teaches a terminal lock system for verifying that the user of a terminal device is a person with the legitimate right to use the terminal device for thereby protecting the terminal device against unauthorized use by a third party (col. 2 lines 24-40), comprising: a key device (22) which is portable, said key device having radio communication means for performing short-range radio communications (col. 2 lines 55-58); and a terminal-

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associated device (20) for requesting a connection to said key device through the short-range radio communications (col. 2 line 60-65), and inhibiting the terminal device combined with said terminal-associated device from being used if information of the key device which is confirmed as being connected to said terminal-associated device does not agree with information registered in the terminal-associated device (col. 3 lines 35-45). Xydis is however silent on teaching the key device registers information of the terminal associated device and the connection to the key device by the terminal associated device is allowed only when the information registered in the key device and the terminal associated device agree with each other. Hikita et al. in an art related transponder communication system teaches a transponder (key device) authenticating an interrogator (functional equivalent to the terminal associated device) by comparing the identification information received from the interrogator with the information store in the transponder and the transponder is allowed to communicate with the interrogator when the identification information coincides (col. 2 lines 14-20).

It would have been obvious to one of ordinary skill in the art for the key device registers information of the terminal associated device and the connection to the key device by the terminal associated device is allowed only when the information registered in the key device and the terminal associated device agree with each other in Xydis because this provides the means of authenticating the terminal associated device and to ensure the key (transponder) communicate with a legitimate terminal associated device.

Regarding claim 4, Xydis teaches the key start communicating with the terminal associated device when key comes in proximity to the terminal by entering the operating space (col. 2 lines 60-63).

Regarding claim 7, Xydis teaches the method for verifying that the user of a terminal device is a person with the legitimate right to use the terminal device for thereby protecting the terminal device against unauthorized use by a third party (col. 2 lines 24-40), comprising: a key device (22) which is portable, said key device having radio communication means for performing short-range radio communications (col. 2 lines 55-58); and a terminal-associated device (20) for requesting a connection to said key device through the short-range radio communications (col. 2 line 60-65), and inhibiting the terminal device combined with said terminal-associated device from being used if information of the key device which is confirmed as being connected to said terminal-associated device does not agree with information registered in the terminal-associated device (col. 3 lines 35-45). Xydis is however silent on teaching the key device registers information of the terminal associated device and the connection to the key device by the terminal associated device is allowed only when the information registered in the key device and the terminal associated device agree with each other. Hikita et al. in an art related transponder communication system teaches a transponder (key device) authenticating an interrogator (functional equivalent to the terminal associated device) by comparing the identification information received from the interrogator with the information store in the transponder and the transponder is allowed to communicate with the interrogator when the identification information coincides (col. 2 lines 14-20).

It would have been obvious to one of ordinary skill in the art for the key device registers information of the terminal associated device and the connection to the key device by the terminal associated device is allowed only when the information registered in the key device and the terminal associated device agree with each other in Xydis because this provides the means of

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authenticating the terminal associated device and to ensure the key (transponder) communicate with a legitimate terminal associated device.

Regarding claim 8, Xydis teaches the key start communicating with the terminal associated device when key comes in proximity to the terminal by entering the operating space (col. 2 lines 60-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Vernal Brown

May 25, 2006



BRIAN ZIMMERMAN
PRIMARY EXAMINER